

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BCS SOFTWARE, LLC,

Plaintiff

v.

OPEN TEXT, INC.

Defendant.

Case No. 6:21-cv-0050-ADA

JOINT CLAIM CONSTRUCTION STATEMENT

Plaintiff BCS Software, LLC (“BCS”) and Defendant Open Text, Inc. (“Open Text”) respectfully submit this Joint Claim Construction Statement for the asserted claims of U.S. Patent No. 8,819,120 (“the ‘120 Patent”).

I. DISPUTED CLAIM TERMS**A. Term 1: “File List”**

Term	Claims	Plaintiff’s Construction	Defendant’s Construction
File List	1, 6, 12, 15, 19, 20 and 21	<p>No construction necessary/plain and ordinary meaning</p> <p>or in the alternative, “logic interface displayed on a client machine that allows a user to download from or upload files to a store on a network”</p>	logic interface maintained on the client machine that provides bulletin board functions to allow downloading of files

B. Term 2: “Independent of a File Path”

Term	Claims	Plaintiff’s Construction	Defendant’s Construction
Independent of a File Path	1, 12, and 19	<p>No construction necessary/plain and ordinary meaning</p> <p>Or in the alternative, “without the user having knowledge as to where a store behind the file list is located on a network”</p>	Indefinite

C. Term 3: “Internal Mail”

Term	Claims	Plaintiff’s Construction	Defendant’s Construction
Internal Mail	12 and 19	<p>No construction necessary/plain and ordinary meaning</p> <p>Or in the alternative, “private electronic communication that includes exchange of messages only among registered users served by a server and uses identifiers in delivering email exchanges”</p>	<p>private electronic communication system that permits email exchanges only among registered users served by a server for a group collaboration platform, and does not use email servers or email addresses in delivering email messages</p>

D. Term 4: “Independent of a File Path and Unnavigable to by a User”

Terms	Claims	Plaintiff’s Construction	Defendant’s Construction
Independent of a File Path and Unnavigable to by a User	1, 12, and 19	<p>No construction necessary/plain and ordinary meaning</p> <p>Or in the alternative, “without the user having knowledge as to where a store behind the file list is located on a network”</p>	<p>Term “independent of a file path” is indefinite.</p> <p>Otherwise no construction necessary, plain and ordinary meaning</p>

Dated: September 13, 2021

Respectfully submitted,

/s/ Thomas G. Fasone III
(with permission by Jennifer P. Ainsworth)

Thomas G. Fasone, III
Texas State Bar No. 0785382
tfasone@inventorsfirst.com
Inventors First Law Group, PLLC
2355 Thomas Ave, No. 2010
Dallas, Texas 75201
Telephone: (214) 402-5101

Raymond W. Mort, III
Texas State Bar No. 0791308
raymort@austinlaw.com
THE MORT LAW FIRM, PLLC
100 Congress Ave, Suite 2000
Austin, Texas 78701
Tel/Fax: (512) 865-7950

Attorneys for Plaintiff

/s/ Jennifer Parker Ainsworth
Jennifer Parker Ainsworth
Texas State Bar No. 00784720
WILSON, ROBERTSON & CORNELIS, P.C.
909 ESE Loop 323, Suite 400
Tyler, Texas 75701
Telephone: (903) 509-5000
Fax: (903) 509-5092
jainsworth@wilsonlawfirm.com

Timothy J. Carroll
Steven M. Lubezny
Vivian Sandoval
VENABLE LLP
227 West Monroe Street, Suite 3950
Chicago, ILL 60606
Telephone: (312) 820-3400
Fax: (312) 820-3401
TJCarroll@Venable.com
SMLubezny@Venable.com
VSandoval@Venable.com

Manny J. Caixeiro
VENABLE LLP
2049 Century Park East, Suite 2300
Los Angeles, CA 90067
Telephone: (310) 229-9900
Fax: (310) 229-9901
MJCaixeiro@Venable.com

Attorneys for Defendant/Counterclaimant

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on September 13, 2021, with a copy of this document via the Court's CM/ECF. Any other counsel of record will be served by First Class U.S. Mail on this same date.

/s/ Jennifer P. Ainsworth
Jennifer P. Ainsworth

CERTIFICATE OF CONFERENCE

This is to certify that counsel have conferred concerning this Joint Statement and this Joint Statement sets out the Parties' positions.

/s/ Jennifer P. Ainsworth
Jennifer P. Ainsworth